

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DEBORAH M. BERNSTEIN,

Plaintiff,

-vs-

HANDY RENT ALL CENTER, D/B/A
DURANTS TENTS & EVENTS,

Defendant.
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CIVIL ACTION

DOCKET NO:

07 CIV. 6187
ROBINSON

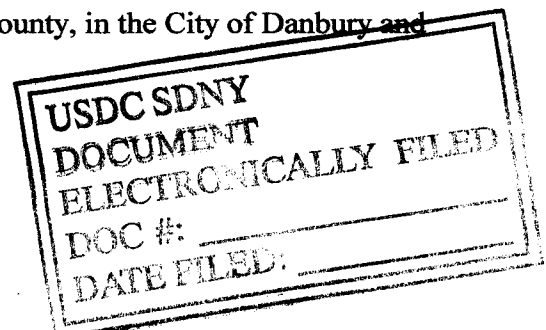
FILED
U.S. DISTRICT COURT
2007 JUL - 3 A 9:48
S.D. OF N.Y. W.P.

Plaintiff, **DEBORAH M. BERNSTEIN**, by and through her attorney,

GREGORY W. BAGEN, for her complaint in the above captioned matter, alleges and shows as follows:

FIRST: That at all times hereinafter mentioned, plaintiff, **DEBORAH M. BERNSTEIN**, resided and still resides in Brewster, County of Putnam and State of New York.

SECOND: That upon information and belief, as all times hereafter mentioned defendant, **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS**, is a Connecticut corporation with its principal office in Fairfield County, in the City of Danbury and State of Connecticut.



THIRD: Basis for venue is 28 U.S.C. 1391. The claim arose in Putnam County, New York which is within the Southern District of New York.

JURISDICTION

FOURTH: Basis for jurisdiction is 28 U.S.C. 1332. The matter in controversy exceeds SEVENTY-FIVE THOUSAND and 00/100 DOLLARS (\$75,000.00) and is between citizens of different States.

BACKGROUND

FIFTH: That upon information and belief, at all times hereinafter mentioned, the defendant, **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS** was the owner of a party rental center.

SIXTH: That on the 11th day of June, 2005, at approximately 3 p.m., while plaintiff, **DEBORAH M. BERNSTEIN** was attending an affair at which defendant installed a tent in Brewster, New York. She stepped into a hole created by defendant and obscured by defendant.

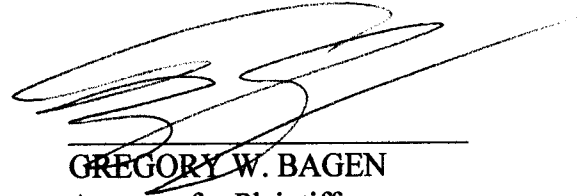
SEVENTH: That the aforesaid loss was caused solely by the negligence of the defendant, **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS** and not by any reason of any negligence of the plaintiff contributing thereto.

EIGHTH: That defendant, **HANDY RENT ALL CENTER, D/B/A DURANTS TENTS & EVENTS** negligently, recklessly and carelessly dug holes, at the said time and place in that it did so without keeping a proper lookout for other users of the property; failed to give adequate notice of the hazard at site; failed to see whether there was adequate space for people to move with safety; failed to comply with the statutes of the State of New York relative to the construction of tents; covered the hole making it impossible to see and did not possess the requisite skill under the conditions extant.

NINTH: That as a result of the negligence of defendant, **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS** is responsible, the plaintiff, **DEBORAH M. BERNSTEIN** stepped in a hole, thereby, sustaining multiple injuries which included a multiple contusions and trauma. Plaintiff **DEBORAH M. BERNSTEIN** was rendered sick, sore and disabled, being caused to suffer great pain and mental anguish, all of which are of a permanent nature.

TENTH: By reason of the foregoing, plaintiff has been damaged in a sum in excess of \$75,000.00 to be determined by the trier of fact.

WHEREFORE, plaintiffs demands judgment against defendant **HANDY RENT ALL CENTER D/B/A DURANTS TENTS & EVENTS** in the said sum together with trial by jury and the costs and disbursements of this action.



GREGORY W. BAGEN

Attorney for Plaintiff

DEBORAH M. BERNSTEIN

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